

5063.00



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Election
PATENT S. Bryce
11/6/02

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Condado, Jose Antonio Conf. No.: 4589
Appl. No.: 09/367,636 Art Unit: 3763
Filed: May 25, 2000 Examiner: Kennedy, Sharon
For: **MULTI-PURPOSE CATHETER, CATHETER SYSTEMS, AND RADIATION TREATMENT**

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

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TECHNOLOGY CENTER R3700

Sir:

In reply to the Restriction Requirement dated October 1, 2002, the following remarks are respectfully submitted in connection with the above-identified application.

The Examiner has required election in the present application between:

Group I, claims 1, 2, 4-24, 26-47 and 49, drawn to a balloon catheter and method of use without using radiation;

Group II, claims 3, 25, 48, 50-56, drawn to a radiation catheter and method of surgery using radiation.

For the purpose of examination of the present application, Applicant elects, with traverse, Group I, claims 1, 2 4-24, 26-47 and 49.

The basis for Applicant's traversal is that there is no undue burden on the Examiner.

Applicant submits that Group I shares a general inventive concept with Group II in that both are related to balloon catheters and should be allowed to proceed together. Applicant respectfully submits that the requirements for a proper restriction requirement under MPEP § 803 have not been satisfied. Consequently, Applicant respectfully requests the requirement for restriction be withdrawn.

However, in the event that the Examiner chooses not to rejoin and consider all the claims, Applicant elects the claims of Group I, claims 1, 2, 4-24, 26-47 and 49, with traverse, for

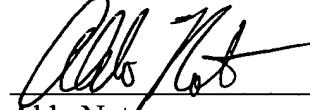
Appl. No.: 09/367,636

examination on the merits. Applicant further reserves the right to file one or more divisional applications to the non-elected subject matter, if he so wishes.

As this response is timely filed, it is believed that no extensions of time nor additional fees are required. However, the Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this paper to Deposit Account 04-1425, referencing attorney docket number 5063.00 and client matter number 443890-1. If the examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

Dated: Oct. 31, 2002



Aldo Noto
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TRANSMITTAL LETTER
(General - Patent Pending)

O I P E

OCT 31 2002

Docket No.

5063.00

In Re Application Of: CONDADO, Jose Antonio

Serial No.

09/367,636

Filing Date

May 25, 2000

Examiner

Kennedy, Sharon

Group Art Unit

3763

Title:

MULTI-PURPOSE CATHETER, CATHETER SYSTEMS, AND RADIATION TREATMENT

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

REPLY TO RESTRICTION REQUIREMENT

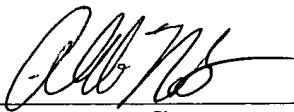
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in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 04-1425 as described below. A duplicate copy of this sheet is enclosed.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.



Signature

Dated: Oct. 31, 2002

Aldo Noto

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202-442-3000

202-442-3199 FAX

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: